

REMARKS

Applicant thanks the Examiner for the allowance of Claims 5, 13 and 14. Independent Claims 1, 8 and 11 are amended to make explicit reference to the sensor element being "connected to and movable with" the batten or load. Applicant believes that this arrangement was at least implicit in the recitation of the sensor being "connected to" the batten or load in that as the batten or load moves vertically, anything connected thereto should also move. As the amendment merely makes explicit that which was implicit, it is not believed that the amendment adds new matter to any Claim. A similar limitation is found in the allowed independent Claims 5, and 13.

Since the sensor element 90 of Waedekin, et al is fixed and does not move vertically with either the batten or load, Applicant considers that the rejection of Claims 1, 8 and 9 under 35 U.S.C. 102(b) as being anticipated by Waedekin, et al is traversed.

In Waedekin, et al the sensor 90 is at a affixed location and does not move vertically with either the batten or load. Accordingly the reference cannot render this feature obvious so that the rejection of Claims 2-4 under 35 U.S.C. 103(a) as being obvious in view of Waedekin, et al cannot be sustained.

In view of the above amendments and comments, Applicant considers that the claims remaining in the case, namely Claims 1-4, 5, 8-11, 13 and 14 are in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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